

### REMARKS

Claims 43-83 remain in this application, with Claims 43, 47, 58-62, 66, 72 and 74 amended. Claim 1-42 were canceled previously. Applicants respectfully request reconsideration and review of the application in view of the foregoing amendments and following remarks.

At the outset, Applicants acknowledge with appreciation the indication of allowable subject matter in Claims 43-83. In this response, Applicants address all outstanding issues raised by the Examiner and consider all claims to be in condition for allowance.

The Examiner rejected Claims 43-83 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner also rejected Claims 43-83 under 35 U.S.C. § 112, second paragraph, as indefinite. With each of these grounds of rejection, the Examiner states that the term "relative location parameter" is not defined in the specification. While Applicants acknowledge that the specific term "relative location parameter" is not used in the specification, the specification describes generation of a shape parameter (or shape-param) using a mapping function that maps all different coordinates with a proximate area into the same value. Hence, it should be understood by persons skilled in the art that the parameter defines a way of lumping together various coordinates (or locations) into a common "relative location." Applicants therefore consider the term sufficiently well described and definite.

Nevertheless, in the interest of advancing this application to allowance, and without narrowing the scope of any of the claims, Applicants have opted to amend certain claims to replace the term "relative location parameter" with "shape parameter" as used in the specification. The Examiner already indicated that the allowability of the claims was based on an interpretation of the term "relative location parameter" as "shape parameter," so Applicants expect that the Examiner will consider this amendment sufficient to overcome these grounds of rejection.

The Examiner provisionally rejected Claims 43-83 under the judicially-created doctrine of obviousness type double patenting over certain claims of copending application Serial No. 09/699,832 (now issued as U.S. Patent No. 6,985,588). Applicants enclose herewith a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) that is considered sufficient to overcome this ground of rejection.

In view of the foregoing, Applicants respectfully submit that Claims 43-83 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited. If it would be helpful to placing this application in condition for allowance, the Applicants encourage the Examiner to contact the undersigned counsel and conduct a telephonic interview.

Our check in the amount of \$65.00 is enclosed with the accompanying Terminal Disclaimer. In addition, the Commissioner is authorized to charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,



---

Brian M. Berliner  
Attorney for Applicants  
Registration No. 34,549

Date: February 28, 2006

**O'MELVENY & MYERS LLP**  
400 South Hope Street  
Los Angeles, CA 90071-2899  
Telephone: (213) 430-6000

Enclosure: Terminal Disclaimer